

# Town Council Meeting: 13 September 2010



Town of Garrett Park  
PO Box 84  
4600 Waverly Avenue  
Garrett Park, MD 20896

Regular Meeting of Town Council  
Garrett Park Town Hall  
10814 Kenilworth Avenue  
Garrett Park, MD 20896

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## Draft MINUTES

**Call to Order:** Mayor Keller called the meeting to order at 8:00 PM. Present were Councilmembers Irons, Petito, Schulp, and Wegner. Also present was Administrator Pratt, Margaret Soltan of the *Bugle*, a reporter from the *Gazette*, and a number of Town residents.

**Approval of Agenda:** Mayor Keller asked to add a resolution regarding Rebuilding Together Montgomery County. The revised agenda was adopted without objection.

### Presentations by Residents:

- Gerilee Bennett reported that the Garrett Park Cooperative Nursery School (Nursery School) has retained the services of architect Michael Dowling, who has started documentation of existing conditions at the Community Center and will be drawing up options for the Nursery School Building Committee to consider in early October.
- Resident Henri Keller informed the Council that the next Film Society movie is "Rivers and Tides," to be screened on Friday the 15<sup>th</sup> of October.
- Susan Alexander informed the Council that "thank you" notices had been posted on the Oxford trees. Mayor Keller reported that having saved the trees on the south side of Oxford, the Town was now faced with working to save the trees on the north side as well, in that WSSC had recently sent the Town a request for an easement for an old sanitary sewer that was apparently installed without easements in the 1930's when the original elementary school was built, and runs under the trees along the north side of the street. The Mayor stated that he was working to qualify the grant of easement in such a way as to protect the trees.

### Mayor's Report:

- Mayor Keller asked Councilmember Irons to report on the event held Saturday on the basketball court at Penn Place. Councilmember Irons told the Council about the performance by the Haiti Resurrection Dance Theatre, a dance troupe made up of Haitian boys from orphanages, and that \$1,111.11 was raised to support Haitian orphanages.

- The Mayor noted that he would be out of Town from 10/5 to 10/15, missing the October Council meeting, and that Councilmember Mandel will be acting Mayor.
- The Mayor reported that he had given testimony at the Maryland Public Service Commission hearing on August 30<sup>th</sup> on the reliability of Pepco electric service. He thanked residents for their assistance in providing information that was incorporated in the testimony, especially Dick Pratt, Peter Benjamin and Dan Marsh.
- Mayor Keller asked that everyone drive with care now that school is back in session, noting that GPES school bus stops in Town have been set up with help from Maintenance Supervisor Butch Frost and others.
- The Mayor updated the Council on the status of the deed and easement issues associated with the potential acquisition by the Town of the Garrett Park Estates Local Park, noting that the language of the deed is essentially agreed to but not yet acted on as easement issues are still to be worked out with WSSC and with the Board of Education. The easement issues include access to the elementary school over Oxford St., access to the Community Center over school property, and, as previously discussed, establishing a WSSC easement for an existing sanitary sewer under trees along north side of Oxford in a manner that protects the trees. Mayor Keller reported that a face-to-face discussion of these and related issues between the Town, WSSC, and the School Board would take place very soon in an effort to find resolutions.
- Mayor Keller updated the Council on Garrett Park Elementary School reconstruction, noting that the site should have been fenced off 6-8 weeks ago and full demolition started - the entire project is being held up by the WSSC water and sewer issues.
- Mayor Keller reported on status of large tulip poplars along Keswick St. After a tree fall at Floreen/Stewart - alarming because there was no prior indication that the tree was in difficulty - the Town employed Bartlett Tree Service to diagnose older tulip poplars in the Oxford-Keswick area, all of which are about 120 years old. Town Arborist Phil Normandy is reviewing those reports, which preliminarily indicate that none of the trees are at high risk of failure, so they do not pose an immediate risk. However, some will need to be removed soon, as many as five within 2-3 years, and others within 10 years. Private residents have inquired about large Tulip Poplars on their property and the Town has asked Bartlett to give us a proposal for assessments on private property.

#### **Councilmember's Reports on Areas of Responsibility:**

- Councilmember Wegner discussed the need to schedule a Public Hearing on storm water drainage system repairs to the Shelley Court, Montrose-Clermont, and North Kenilworth drains, given the significant amount of work needed.  
Shelley Court Drain: Councilmember Wegner noted that the most significant problem is the Shelley Court drain failure. The Town's

consultant, Chester Engineering, has concluded the entire pipe has to be replaced; the concrete sections have developed unrepairable failures at the junctions. They have also concluded that the current 24-inch pipe is under-sized for the drainage area it serves. It is proposed to replace the old cement pipe with 30-inch high-density plastic (HDPE) pipe. The drain crosses over a WSSC sanitary sewer, so the repair design must be approved by WSSC, and Chester has begun this process. The drain outfall is currently outside the Town boundary in Parkside, and Administrator Pratt has been in contact with Parkside management. The new outfall will be properly located entirely within the drainage easement across Parkside property. This repair will be expensive.

Montrose-Clermont Drain: The second area of concern is the Montrose-Clermont drain, which has an ongoing problem with flooding at 10930 Clermont Ave., across from Porcupine Woods. Chester is reviewing the load on the system, which includes flow from Strathmore Avenue west of Clermont Ave. and all of the surface runoff between Clermont and Montrose properties, to see if the existing pipe is large enough to handle the flow from heavy storms. Also, the drain coming down from Montrose Avenue at the triangle with Clermont, which takes surface runoff from Montrose Ave. and carries it to the same pipe that runs under Clermont into Porcupine Woods, is partially crushed, and needs to be replaced. It is probable that a new drain will need to be installed under Clermont Ave. with one or two new inlets along Montrose and Clermont that will connect directly to the pipe that runs under Clermont to Porcupine Woods. This will alleviate some of the flow into the inlet in the front yard of 109830 Clermont that is contributing to the flooding. The curbs, sidewalks, and driveway aprons in this area will have to be reconstructed to keep the flow of storm water in the gutter of Clermont that that it will flow into the inlets and not into front yards. There is extensive overland flow of storm water in the area between Clermont and Montrose Avenues that needs to be intercepted and directed into the drain to avoid ponding at 10930 Clermont. This may require regrading and the installation of new surface inlets.

North Kenilworth Drain: This drainage system (street runoff plus captured overland drainage) now discharges into the rear yard of 11314 Kenilworth Avenue. The discharge pipe needs to be extended and the outfall into the ditch behind 11404 Rokeby Avenue must be properly constructed to prevent erosion. In addition, due to improper landscaping by the developer who built the houses at 11312 and 11314 Kenilworth, there is significant overland flow that concentrates in the rear yard on 11314 Kenilworth. New inlets may have to be installed, to try to better manage this flow. Chester Engineers has prepared a design for these repairs.

Public Hearing: Councilmember Wegner requested that the Council set its October 25<sup>th</sup> work Session as a public discussion of these storm water projects. Chester Engineers will present final recommendations for all

three areas, and the Council should discuss both timing of the projects and how best to fund them.

- Councilmember Wegner noted that he had no further information on the installation of the proposed Rokeby speed bumps, and that he has asked residents to give the Council specific locations.
- Councilmember Schulp informed the Council that the Council representatives would be meeting soon with the Nursery School to iron out Nursery School lease details.
- Councilmember Schulp announced that the Arboretum Committee would be meeting on Thursday, October 16<sup>th</sup>, in the Town Office at 7:00 PM.

### **Approval of Minutes:**

- Councilmember Wegner **MOVED**

That the minutes of the 07/12/2010 Regular Council Meeting be approved as corrected. Councilmember Schulp seconded the motion, which **PASSED** unanimously.

### **Action/Discussion:**

- Adoption of an Unlawful Harassment & Discrimination Policy – Mayor Keller presented a final version, noting that it incorporated most of the suggestions made by Councilmembers. After discussion, it was agreed that examples should be included in an employee handbook, but not in the adopted policy. Councilmember Schulp **MOVED**

That the Council adopt the policy on Unlawful Harassment & Discrimination (attached to these minutes) as distributed by the Mayor and corrected by the Council. The motion was seconded by Councilmember Wegner and **PASSED** unanimously.

- Discussion of rationalizing and prioritizing recommendations of the Land Use Task Force, including tentative timeline – Mayor Keller noted that a number of the LUTF recommendations have been implemented – active permits are now posted on the Post Office bulletin board and the Town website, and a liaison with County zoning review has been established. He then asked Councilmember Irons to open the discussion.

Councilmember Irons noted that there were a significant number of other recommendations still to be considered, and it would be helpful to organize the Council's review and implementation process. Setting up a comparison chart that includes Town/county regs, GPLUTF recommendations, and other information would be useful, as well as developing graphic renderings of impact of proposed changes, as appropriate. Councilmember Irons pointed out that this would allow the Council to develop a set of tools to initiate public conversations before setting up public meetings. Councilmember Irons commended the GPLUTF for its substantial body of work, and noted that it is now the Council's task to carefully summarize and present this work to the public. Once this is done, the Council has to decide what to move forward on, draft language for legislation with the help of outside counsel, introduce proposed

legislation at a Council meeting, hold a formal public hearing and then vote on adoption.

Mayor Keller noted that it will be essential to properly align any Town zoning ordinance with the County zoning rewrite, but it may well be possible to move forward on a number of stand-alone items that can be acted on quickly; other items may take some time. Bob Reinhardt commented on the need for dialog between Council and LUTF. There was extended discussion. Mayor Keller stated that work should start on developing the chart described by Councilmember Irons, and that he would contact Suzanne Greifsheim and ask if she would serve as a liaison with those members of the LUTF who wished to remain involved. The Mayor asked the Council to think about what other issues might best be resolved by discrete action, such as hiring a building inspector. The goal is to implement without delay those recommendations of the LUTF that have simpler administrative solutions.

- Resolution on 2012 Post Office Lease - Mayor Keller presented the information on the PO lease renewal, noting that the term of the lease was five years, commencing in 2012, with a nominal diminution of the rent. The Mayor pointed out that the Town did not have a lot of options with this, but we will include a letter that references the need for the PO to improve services. Councilmember Irons **MOVED**

That the Council accept the proposed terms of the Post Office lease renewal for the term of 2012 through 2016, and authorize the Mayor to sign all necessary documents. Councilmember Wegner seconded the motion, which PASSED unanimously.

**Town Administrator Report:**

- Preliminary FY 2010 EOY Financial Report - Administrator Pratt reviewed the preliminary FY 2010 end-of-year financial report with the Council.
- Monthly Financial Report - Administrator Pratt reviewed the monthly financial report with the Council.

**Adjournment:** The meeting adjourned at 9:56 PM.

Respectfully submitted,

[TOWN SEAL]

Edwin Pratt, Jr.  
Clerk-Treasurer

Adopted: 09/13/2010

## **Policy Statement Regarding Non-Discrimination & Unlawful Harassment**

Garrett Park hereby affirms its desire to maintain a work environment for all employees that is free from all forms of discrimination or harassment. Such conduct is completely incompatible with the values and goals of Garrett Park and will not be tolerated.

Discrimination or Harassment based upon race, color, religion, sex age, national origin, marital status, disability (mental or physical), sexual orientation, pregnancy or other protected characteristic (Protected Characteristics), is a violation of federal and state law and the policy of the Town of Garrett Park (Garrett Park) and will not be tolerated. Retaliation against any person complaining of discrimination or harassment is a violation of federal and/or state law and Garrett Park policy, and will not be tolerated. Garrett Park will respond promptly to all complaints of discrimination or harassment and retaliation. Violation of this policy can result in serious disciplinary action up to and including termination of employment. Disciplinary action for violations of this policy will be the responsibility of the Garrett Park officials as may be appropriate in accordance with applicable procedures.

### **Definitions**

Harassment is unwelcome conduct, based upon a Protected Characteristic that is either a condition of working or learning (quid pro quo) or creates a hostile environment.

Quid Pro Quo Harassment consists of unwelcome conduct when:

- submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment, or
- submission to, or rejection of, such conduct by an individual is used as the basis for decisions affecting such individual in matters of employment.

Hostile Environment Harassment consists of unwelcome conduct when:

- such conduct has the effect of unreasonably interfering with an individual's work, or
- such conduct has the effect of creating an intimidating, hostile or offensive working environment.

Retaliation is conduct causing any interference, coercion, restraint or reprisal against a person complaining of discrimination or harassment or participating in the resolution of a complaint of discrimination or harassment.

## **Violations of Policy**

Any employee with a concern, grievance or complaint of discrimination or harassment should utilize the procedures outlined below.

### **Resolution Procedures for Discrimination, Harassment and Retaliation Complaints**

These procedures are to be used to resolve complaints of discrimination or harassment and based upon any Protected Characteristic. These procedures also are to be used to resolve complaints of retaliation.

Any employee or elected official who witnesses, or who is told of, any conduct or situation that may violate this policy must promptly report the conduct or situation to the Town Administrator and/or the Mayor as required by the circumstances of the conduct or the situation.

All employees have the right and are encouraged to immediately report suspected violation of Garrett Park policy prohibiting discrimination, harassment or hostile environments in the workplace. Employees can report such incidents to the Town Administrator and/or the Mayor. Employees should make every effort to report complaints promptly. Delays in reporting may not only hinder a proper investigation, but may also unnecessarily subject the victim to continued unlawful conduct.

The Town Administrator should immediately report all alleged violations of Garrett Park policy prohibiting discrimination, harassment or hostile environments in the workplace, whether reported by an employee or observed directly, to the Mayor. If reporting a complaint to any of the persons set forth above presents a conflict of interest, the complaint may be filed directly with the Mayor and/or Member of the Town Council.

A prompt, thorough, and impartial investigation into the alleged harassment or discrimination will take place. The Town Administrator and/or the Mayor will conduct such investigation. The Town Administrator and/or the Mayor will review the investigative report and make a determination as to whether the allegation of a violation of Garrett Park policy prohibiting discrimination, harassment, and hostile environments in the workplace has been substantiated. If a violation has occurred, the Town Administrator and/or the Mayor will determine the appropriate corrective measures necessary to immediately remedy the violation. Such measure can include termination of employment.

If a complaint presents a conflict disabling both the Town Administrator and the Mayor, the Town Council shall be responsible for investigating the

complaint and taking appropriate corrective measures, if warranted. The Town Council may appoint a committee of its Members to fulfill this responsibility in whole or in part.

To the extent practical and appropriate under the circumstances, confidentiality will be maintained throughout all phases of the intake, investigation and remediation process. Any breach of confidentiality by any party involved in this procedure may be considered an act of obstruction, and may subject that employee to disciplinary action.

Any employee has the right to file a complaint directly with external agencies that investigate discrimination and/or harassment charges in addition to utilizing this internal procedure. If an employee chooses this option, they should contact the specific agency to obtain information as to the time frames and applicable procedures for filing and pursuing a complaint.